

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiff(s),

-against-

CRISTIAN ESTUATE ESPINAL,

Defendant(s).

23-MJ-6716

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On October 6, 2023, the Court affirmed the Magistrate Court's determination that the Defendant should be released subject to conditions. The Court, after considering all of the facts and circumstances after a hearing, imposed additional conditions to those imposed by the Magistrate Court, including that Defendant was required to deliver his passport to defense counsel for surrender by 3 pm ET today, Saturday, October 7, 2023, or surrender himself for detention by that time if the passport was not delivered. Prior to the 3 pm ET deadline, defense counsel informed the Court that Defendant could not locate his passport and therefore could not deliver it. At approximately 4:30 pm ET on Saturday, October 7, 2023, the Court convened a brief telephonic conference with all parties to address the circumstances of Defendant's inability to locate his passport. In addition to discussing the passport, during the conference, the Government provided additional information that raised concerns about risk of flight with respect to the Defendant: namely, a New York state driver's license recovered from the search and arrest in this case, that bears the Defendant's picture but has the name and other information of another individual. The Court adjourned the telephonic conference at that juncture and scheduled an emergency hearing in the courtroom, which commenced at 6:06 pm ET on Saturday, October 7, 2023. That hearing was recorded.

For the reasons stated on the record at the hearing, the Court determined that it will not relieve Defendant of the conditions imposed on his release as imposed by the Court on October 6, 2023. Because one of those conditions—delivery of Defendant’s passport for surrender by 3:00 pm ET on Saturday, October 7, 2023—was not satisfied, and for the additional reasons stated on the record at the October 7, 2023 hearing, the Court revokes the prior order of release and hereby orders that the Defendant be remanded to the US Marshals and detained pending further order of the Court. A hearing is scheduled for Tuesday, October 10, at 12 pm ET.

SO ORDERED.

Dated: October 7, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge